

TO: Federal Communications Commission

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RE: Comment on Collection and Management of Women and Minority
Ownership Data Report and Order and Third Further Notice of
Proposed Rulemaking (FCC 07-217, Paragraphs 93-96)

In my analysis of data from Form 323 reports, compiled in the FCC's respective data bases for "Women-owned Media" and "Minority-owned Media," for the years 2004-05, I noted certain flaws, discrepancies and omissions that I believe the Commission should address for more responsible and credible management of public records. Better management would also make the data bases more usable by researchers and others.

The flaws, discrepancies and omissions noted by myself appear to derive from problems inherent in the Form 323 reporting process, and compounded by the subsequent lack of administrative attention to these problems. I summarize these below, with recommendations.

1. Incomplete reporting and/or compilation.

First, there are missing reports from these data bases, meaning that there are actually more women and minority-owned media companies than represented in the reports comprising these data bases at present. Most obviously, for instance, is a missing report from Radio One, the largest minority-owned commercial broadcast company, and the seventh largest broadcast station in the U.S. In a telephone interview with FCC staff in 2006, I learned that Radio One, whose principal owners are African American, had omitted completing the Form 323 page on ownership demographics; instead, company staff had attached a pdf file containing a company report. FCC staff indicated that this problem will be corrected in the next round of reporting for 2006-07, when completion of the demographic page will be required before the FCC's electronic system accepts the report. I cite the Radio One omission as one example, but there are many others (as documented by Free Press in its reports "Out of the Picture" and "Off the Dial"). **I encourage follow through to assure that this plan to require the demographic page is implemented.**

Second, the reporting process presently excludes all but *commercial full-powered broadcast stations*. Missing are any data from non-commercial educational broadcast stations, whose reporting Form 323-E does not include reporting categories for gender and minority ownership. As a result, ownership data on women and minorities for the non-commercial media are unavailable, making our understanding of these groups' involvement in the big picture of ownership incomplete. Missing, for example, are prominent minority-owned non-commercial television stations, such as my university's own WHUT-TV (a public television station serving Washington, DC). It is also worth noting that public radio and television have traditionally been more open to hiring and advancing women and minorities at both technical and other levels, and thus including something about their governance composition would foster comparisons between commercial and non-commercial companies. **I recommend including these stations in the women and minority data bases.**

Also missing from the minority and women data bases are reports from low-powered radio stations. The present FCC policy of requiring only the full-powered broadcast stations to report obviously leaves out several thousand low-powered stations, both radio and television, which provide access to public airwaves for a wide range of women and minorities. The public needs greater access to ALL ownership records for those stations utilizing our public airwaves to transmit. **I recommend including these stations in the women and minority data bases.**

2. Duplicate reporting and other count problems.

Some stations filed more than one Form 323 report, with both reports apparently being counted and included in the data bases. This happened several times in both the women and minority groups. In addition to duplicate reporting, we found reports for stations in the minority data base that did not appear to have been included in the FCC's count of 460 stations. **I recommend better monitoring and follow up to correct reporting errors.**

3. Questions about percent of vote.

We found eight Form 323 reports for minority-owned stations in which it was indicated that minorities control far more than 100% of the vote, e.g., WMFA, Raeford, NC, the minority vote is stated to be 200%; WUFO, in Amherst, NY, minority vote is stated to be 196%, etc. We were unable to learn whether these are data-entry errors, or whether is another explanation. We did not note similar problems for the women's data. **I recommend better monitoring and follow up to correct reporting errors.**

4. Questions about who is a woman owner.

A last very serious concern arises specifically around what ownership "means" with respect to women. The FCC announced that by March 31, 2006, it had licensed a total of 27,556 broadcast stations, including commercial and non-commercial radio,

television, FM translator, and low-power television and radio stations.¹ It becomes critical, therefore, to have an accurate understanding of what portion of these enterprises are women- and minority-owned, and who actually oversees the stations' operations. Many of the Form 323 reports in the women's data base show that women own barely more than half of the votes in a company – e.g., 50.25%, 50.65%, 52%. Concerned about this, I undertook an independent study this past year, contacting those listed as majority owners in the 2004-05 data base. Many of those listed as majority owners indicated to me that “I am an owner on paper only,” with an explanation being that “my husband (or son) actually runs the station.” Such information not only denotes defrauding of the public airwaves and regulatory system by broadcast owners, in some instances, it means that women's ownership could be MUCH LOWER than we are presently aware. **I recommend instituting a method of monitoring the Form 323 reporting process with respect women's ownership, so that women's ownership can be verified and fraud brought to light.**

5. Research functions clearly missing.

Public agencies that oversee licensing, require reporting, and post data for public consumption need to carry out basic analysis of the data so that it is accessible and usable to the agency's publics. The FCC presently posts the portion of the Form 323 reports containing demographic data as “raw data” in the form of the face page of the reports. These are unusable in their present form without going to the trouble of setting up a spreadsheet, entering data from the forms, and processing it. These are functions that SHOULD be performed by the agency that gathers the data. **I recommend that the Commission add a research component to its operations that would provide routine data analysis on a biannual basis, subsequent to receipt of Form 323 licensee reports.** Such analysis should contain descriptive statistics, at a minimum.

Thank you for your attention to my concerns. I am available to discuss any of the points of these comments, should that be helpful. My number at Howard University is 202-806-5121.

¹ “Broadcast station totals as of March 31, 2006,” FCC news release, May 26, 2006.